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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 ROY TROST, aka DAISY LYNN
10 MEADOWS, and JUSTIN MENODZA,
11 aka AMBER RENEE MENDOZA,

12 Plaintiff,

vs.

13 CHARLES DANIELS, et. al.

14 Defendants

15 **Case. No.: 3:22-cv-00205-ART-CLB**

16 **ORDER GRANTING
STIPULATION REGARDING
CONSOLIDATED COMPLAINT
AND DISCOVERY PLAN AND
SCHEDULING ORDER**

17 Plaintiffs DAISY LYNN MEADOWS and AMBER RENEE MENDOZA, by and
18 through their attorneys of record, Margaret A. McLetchie and Leo S. Wolpert with
19 McLetchie Law Group, and Defendants CHARLES DANIELS, MICHAEL MINEV, RAY
20 RIVERA, WILLIAM GITTERE, DOCTOR EXXUM, TASHEENA COOKE, M.H.
21 HAYMAN, DON PERKINS, WILLIAM RUEBART, DAVID DRUMMOND, DEBORAH
22 STRIPLIN, MAURO (first name unknown), STUBBS (first name unknown), ADAMS (first
23 name unknown), STEVE SISOLAK, AARON FORD, BARBARA CEGAVSKE,
24 MICHAEL MINER, HAROLD WICKHAM, JOHN BOWMAN, BRIAN WILLIAMS,
25 JAMES JONES, JENNIFER BAUER, MARY ORTIZ, WARDEN GARRETT, KENNETH
26 WING, LIEUTENANT CLARK, WARDEN HARTMAN, WARDEN BACA,
27 NETHANJAH CHILDERS, CALDWELL BAR, DR. PENCE, JESSICA RANBER, DON
28 DONNELLY, DR. NAUGHTOR, LIEUTENANT PRESTON, LIEUTENANT WHITMER,
CORRECTIONS OFFICER TOBBLER, NATHAN HUGHES, CORRECTIONS OFFICER

1 JONES, ELY STATE PRISON LAW LIBRARY SUPERVISOR “ROSE”, LISA WALSH,
 2 KARA LEGRAND, DR. SAUNDERS, CASEWORKER MEIRS, TRAVIS BENNETT,
 3 CORRECTIONS OFFICER TAFFLIMIER, SERGANT “LBJ”, CORRECTIONS
 4 OFFICER “CBI”, and Interested Party, NEVADA DEPARTMENT OF CORRECTIONS,
 5 by and through Douglas R. Rands with the Office of the Attorney General, who is appearing
 6 for Interested Party Nevada Department of Corrections for the limited purpose of settlement
 7 discussions (collectively “Parties”), hereby submit this Stipulation and Stipulated Discovery
 8 Plan and Scheduling Order for the Court’s approval. The Parties met and conferred via phone
 9 on January 19, 2023, and had a telephonic conference with the Court regarding this
 10 Discovery Plan and Scheduling Order on January 20, 2023. The Parties further conferred via
 11 email on February 6, 2023, regarding the deadline to file the Second Amended Complaint.

12 **SPECIAL SCHEDULING REVIEW REQUESTED PURSUANT TO LR 26-1(d)**

13 The claims presented by the Plaintiffs require complex and atypical discovery not
 14 common in most civil suits. This case has two Plaintiffs and is a matter in which four cases
 15 which have been consolidated. Further, it will likely require the testimony of specialized
 16 experts, multiple fact witnesses, depositions, and discovery responses from multiple
 17 defendants. As such, the unique approach set forth herein is appropriate for this matter.

18 **SCHEDULE FOR AMENDED COMPLAINT AND REPSONSE**

19 1. Second Amended Complaint

20 The last day to file Plaintiffs’ Second Amended Complaint will be Friday, March
 21 17, 2023.

22 2. Screening Order

23 The Court shall expedite screening of Plaintiffs’ Second Amended Complaint.

24 3. Acceptance of Service

25 The Parties shall meet and confer as to whether Mr. Rands will accept service of
 26 the Second Amended Complaint on behalf of Defendants.

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1 4. Answer to Second Amended Complaint2 a) Defendants will have thirty (30) days to Answer Plaintiffs' Second
3 Amended Complaint from the date the Court issues a Screening Order.4 b) If a Screening Order is not issued prior to March 17, 2023, Defendants will
5 have thirty (30) days to Answer Plaintiffs' Second Amended complaint from the date of
6 service.7 c) If a Screening Order is issued after service of Plaintiffs' Second Amended
8 Complaint, Defendants will have thirty (30) days from the date of Screening Order or from
9 the date of service, whichever is later.10 **INFORMATION PURSUANT TO LR 26-1 AND FRCP 26(f)**11 1. Discovery Cut-Off Date; Estimate of Time Required for Discovery (LR
12 26-1(b)(1); Fed. R. Civ. P. 16(b)):13 In accordance with Local Rule 26-1(e)(1), the one hundred eighty (180) day
14 discovery period will begin on the service date of Defendants' Answer to Plaintiffs' Second
15 Amended Complaint.16 2. Amendment of Pleadings and Addition of Parties17 The last day to file motions to amend the pleadings or to add parties is ninety (90)
18 days from the expiration of the discovery period.19 3. Certification of Alternative Dispute Resolution (LR 26-1(b)(7);
20 Discussions Regarding Settlement (Fed. R. Civ. P. 26(f)(2))21 The Parties hereby certify that they met and conferred about the possibility of using
22 alternative dispute-resolution (ADR) processes, including mediation and arbitration.23 4. Certification of Alternative Forms of Case Disposition (LR 26-1(b)(8); Fed
24 R. Civ. P. 73):25 The Parties hereby certify that they considered consent to trial by a magistrate judge
26 under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General
27 Order 2013-01), but do not agree to have this trial heard by a magistrate judge nor do they
28 agree to participate in the Short Trial Program.

1 **ADDITIONAL INFORMATION SUBMITTED PURSUANT TO FED. R. CIV. P. 26**

2 1. Timing of Initial Disclosures (Fed. R. Civ. P. 26(f)(3)(A)):

3 Pursuant to Fed. R. Civ. P. 26(a)(1)(C), initial disclosures are due within fourteen
4 (14) days of the Rule 26(f) conference. The Parties have stipulated to exchange initial
5 disclosures fourteen (14) days after filing of Defendants' Answer to Plaintiffs' Second
6 Amended Complaint.

7 2. Discovery Subjects and Phasing (Fed. R. Civ. P. 26(f)(3)(B)):

8 Plaintiff intends to seek discovery on the following subjects:

9 • The incident(s) detailed and/or alleged in the Complaint and responsive
10 pleadings;

11 • Pertinent policies, practices, and training;

12 • Whether similar incidents have occurred; and

13 • Damages.

14 Defendants intend to seek discovery on the following subjects:

15 • The incident(s) alleged in the Complaint, and information and documents
16 relating to Plaintiff's claims; and

17 • Information relating to Plaintiff's claim for damages.

18 It is the Parties' view that discovery need not be conducted in phases, nor be
19 limited to or focused on particular issues.

20 3. Issues Regarding Electronically Stored Information ("ESI") (Fed. R. Civ.
21 P. 26(f)(3)(C)):

22 The Parties intend to further discuss and review the production of ESI. The parties
23 intend to present evidence in electronic format to jurors for the purposes of jury deliberations.

24 4. Procedures for Asserting Privilege or Work Product Protections; Other
25 Orders (Fed. R. Civ. P. 26(f)(3)(D); Fed. R. Civ. P. 26(f)(3)(F)):

26 The Parties intend to submit a Proposed Stipulated Protective Order to the Court.

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1 5. Changes Made to Limitations on Discovery (Fed. R. Civ. P. 26(f)(3)(E)):

2 It is the parties' current view that, other than the bifurcated discovery plan set forth
 3 above, changes are not necessary, and that the Parties should proceed to engage in and
 4 supplement all discovery as permitted under the Federal Rules of Civil Procedure and the
 5 Local Court Rules, including Depositions, Interrogatories, Requests for Production of
 6 Documents, and Requests for Admissions.

7 6. Extensions or Modifications of the Discovery Plan and Scheduling Order
 8 (LR 26-3):

9 In accordance with Local Rule 26-3, any request for an extension of this discovery
 10 plan or any of the individual dates herein shall be filed and served no later than twenty-one
 11 (21) days before the expiration of the subject deadline. Any motion of stipulation shall be
 12 supported by good cause and include:

- 13 a) A statement specifying the discovery completed;
- 14 b) A specific description of the discovery that remains to be completed;
- 15 c) The reasons why the deadline was not satisfied or the remaining discovery
 16 was not completed within the time limits set by the discovery plan; and
- 17 d) A proposed schedule for completing all remaining discovery.

18 **ADDITIONAL SCHEDULING INFORMATION**

19 1. Status Check on Discovery

20 The Court will schedule a status check on the progress of the Parties' discovery
 21 three (3) months into the discovery period.

22 2. Status Check on Settlement Conference

23 Upon the expiration of the discovery period, the Court will conduct a status check
 24 to determine the status of the case and referral to the settlement program.

25 3. Discovery Prior to Settlement Resolution

26 The Parties agree that by engaging in a settlement conference, neither party is
 27 waiving their rights or stipulating to limit their engagement in motion work prior to final
 28 resolution, including, but not limited to, Motions for Summary Judgment.

1 4. Joint Status Report After Settlement

2 In the event that a resolution is achieved at the settlement conference, the Parties
3 will file a status report within fourteen (14) days of conclusion of the settlement conference.

4 5. Discovery Plan and Scheduling Order After Settlement

5 In the event that a resolution is not achieved at the settlement conference, the Parties will
6 meet and confer regarding a renewed discovery plan and scheduling order within twenty-one
7 (21) days of conclusion of the settlement conference. The Parties will submit this
8 discovery plan and scheduling order within fourteen (14) days of their meet and confer effort.
9 This discovery plan and scheduling order will address the need to conduct any
10 remaining discovery or depositions, expert disclosures, and dispositive motions.

11 **IT IS SO STIPULATED.**

12 DATED this 17th day of February, 2023.

13 MCLETCHE LAW

14 */s/ Margaret A. McLetchie*
15 Margaret A. McLetchie, Esq.
16 Nevada Bar No. 10931
17 Leo S. Wolpert, Esq.
18 Nevada Bar No. 12658
19 602 South Tenth St.
20 Las Vegas, Nevada 89101
21 *Attorney for Plaintiff*

 DATED this 17th day of February, 2023.

 AARON D. FORD, Attorney General

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 Attorneys for Defendants

22 **IT IS SO ORDERED.**

23 **DATED: February 21, 2023**

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26 UNITED STATES MAGISTRATE JUDGE
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